REMARKS

As noted previously, the Applicant appreciates the Examiner's thorough examination of the subject application and requests reconsideration and further examination of the subject application in view of the preceding amendments and following remarks.

Fifteen (15) claims remain in the application: claims 1-9 and 15-20 Independent claim 1 and dependent claims 2-9 and 15-20 have been amended. The original application as filed support these amendments. Claims 10-14 have been cancelled. No new matter has been added.

Claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner stated that the "structural limitations conveyed by the intended use language in claim 1 and by 'components' in claims 10-12 and 14 are unclear." Independent claim 1 has been amended to include positive limitations relating to the CT scanner and PET scanner components. Claims 10-14 have been canceled. Reconsideration and withdrawal of the rejection is accordingly requested.

Claims 1, 10, and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,865,254 to Nafstadius (hereinafter Nafstadius).

Amended independent claim 1 recites:

> A tomography scanner system, comprising: a gantry including an annular outer support and two, separate annular inner races supported for independent rotation within the annular outer support, the annular support including an annular piece for defining in part two bearing chambers, one for each of the annular inner races, wherein the inner races are spaced along the rotation axis; X-ray CT scanner components supported by one of the inner races, and PET scanner components supported by the other the inner races. [added emphasis relates to the added wording of the amendments to claim 1]

In contrast, Nafstadius teaches a radiation machine having an inner gantry that is supported by an outer gantry at two support locations situated at opposite sides of a treatment volume. For example, in the description of FIG. 2, Nafstadius teaches:

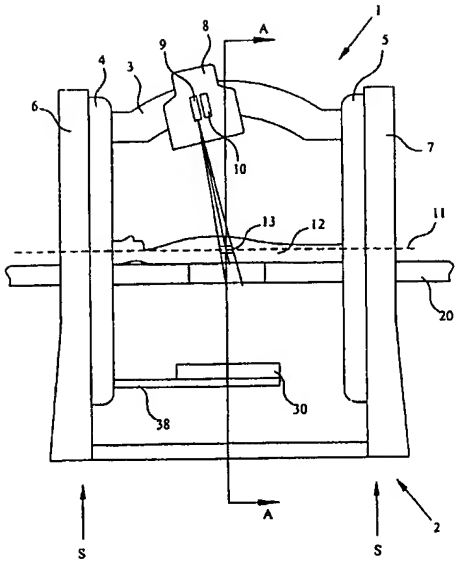

Fig. 2

the ring portions 4, 5 of the inner gantry part 1 are situated on either side of the target volume 13. The ring portions 4, 5 are rotatably supported by an outer gantry part 2, comprising a first support portion 6 and a second support portion 7. In other words, the inner gantry part 1 is arranged with two supporting locations S with respect to the outer gantry part 2 on opposite sides of the treatment volume 13. (emphasis added)

Nafstadius, col. 7, lines 7-14.

Thus Nafstadius does not teach or suggest each and every limitation of amended claim 1, and specifically does not teach the added limitation "the annular support including an annular piece for defining in part two bearing chambers, one for each of the annular inner races." Further, the Nafstadius design supports components of a single scanner. Because of this, there is not a proper basis for a rejection under 35 U.S.C. § 102(e) and the rejection should be withdrawn.

Claims 2-9, 11, 15, 16, and 19 were rejected under 35 U.S.C. § 103(a) as being obvious over Nafstadius in view of U.S. Patent No. 6,337,894 to Tybinkowski (hereinafter Tybinkowski

I). Without acceding to the propriety of the rejection, because claims 2-9, 11, 15, 16, and 19 depend directly or indirectly from amended independent claim 1, they are patentable for at least the same reasons as described above for claim 1. It is submitted that Tybinkowski I shows a rotary bearing assembly for a CT scanner gantry. There is only one rotary bearing system, and one scanner. The gantry does not include two, separate annular inner races supported for independent rotation within an annular outer support, nor an annular support including an annular piece for defining in part two bearing chambers, one for each of the annular inner races, wherein the inner races are spaced along the rotation axis; X-ray CT scanner components supported by one of the inner races, and PET scanner components supported by the other inner races. Thus, Tybinkowski I does not overcome the deficiencies of the primary reference to Nafstadius.

Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being obvious over Nafstadius in view of Tybinkowski I and further view of U.S. Patent No. 5,982,844 to Tybinkowski (hereinafter Tybinkowski II). Without acceding to the propriety of the rejection, because claims 17 and 18 depend directly or indirectly from amended independent claim 1, they are patentable for at least the same reasons as described above for claim 1. Tybinkowski II is similar to Tybinkowski I since it discloses a rotary bearing assembly for a CT scanner gantry. There is only one rotary bearing system, and one scanner. The gantry does not include two, separate annular inner races supported for independent rotation within an annular outer support, nor an annular support including an annular piece for defining in part two bearing chambers, one for each of the annular inner races, wherein the inner races are spaced along the rotation axis; X-ray CT scanner components supported by one of the inner races, and PET scanner components supported by the other inner races. Thus, Tybinkowski II does not overcome the deficiencies of the primary reference to Nafstadius nor the secondary reference to Tybinkowski I.

Summary

Accordingly, all of the pending claims in the application, claims 1-9 and 15-20, are considered to be allowable, and a Notice of Allowance is requested for the application. An early and favorable action thereon is therefore earnestly solicited.

If the Examiner believes there are any outstanding issues to be resolved with respect to the above-identified application, the Examiner is invited to telephone the undersigned to resolve any such issues.

The Commissioner is hereby authorized to charge our deposit account no. 50-1133 for ~~one~~ two-month extension.

Respectfully submitted,

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